

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FORD MOTOR COMPANY, and  
AK STEEL CORPORATION

Plaintiffs/Counter-Defendants,

Civil Action No. 2:08-cv-13503  
Hon. Paul D. Borman

v

DTE GAS COMPANY,

Defendant/Counter-Plaintiff.

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**PLAINTIFF FORD MOTOR COMPANY’S MOTION TO AMEND  
THE CASE MANAGEMENT ORDER FOR THE LIMITED PURPOSE OF  
EXTENDING DISCOVERY AND ADJOURNING DEADLINES TO FILE  
DISPOSITIVE MOTIONS AND MOTION CHALLENGING EXPERTS**

Plaintiff Ford Motor Company (“Ford”) by their attorneys, respectfully move this Court for the limited relief of extending the following Pretrial Civil Case Management and Scheduling Order deadlines by 90 days: (1) discovery cutoff; (2) motions challenging experts filed by deadline; and (3) dispositive motions filed by deadline. No other extensions or amendments are requested. In support of its Motion, Ford states as follows:

1. This case involves complex environmental claims arising out of the historic operation of a manufactured gas plant at a site near the Rouge River, known as the Schaefer Road Area (“SRA”) Property. Specifically, Plaintiffs and

DTE have alleged competing claims for cost recovery and contribution under both the federal and state environmental statutory frameworks.

2. The Court entered a Pretrial Civil Case Management and Scheduling Order [DE #219] (the “Scheduling Order”) on January 25, 2018, pursuant to which the deadline for completion of fact and expert discovery is April 2, 2018 and the deadline for filing dispositive motions and motions challenging experts is May 1, 2018.

3. So far, the parties have conducted substantial written discovery involving the historical disposal of hazardous substances at the SRA as well as subsequent investigations, monitoring, and remedy evaluation/selection, among other issues. The parties’ discovery efforts have included the exchange of voluminous document productions.

4. Because of the complexity of the claims in this case, however, the parties need additional time to complete both fact and expert discovery, including updating their document productions and conducting the depositions of numerous party and expert witnesses. Ford believes that a 90-day extension will allow sufficient time to complete discovery.

5. Pursuant to Fed. R. Civ. P. 16(b)(4), a scheduling order may be modified “for good cause and with the judge’s consent.” Based on the complexity of the claims in this case, Ford’s good faith discovery efforts to date, and the

amount of discovery that remains to be conducted, Ford believes that good cause exists for the Court to grant the requested extension.

6. Accordingly, pursuant to Fed. R. Civ. P. 16(b)(4), Ford requests a brief adjournment of the current Scheduling Order deadlines as follows:

Discovery Cutoff:	April 2, 2018 to June 29, 2018
Motion to Challenge Experts Filed By Deadline:	May 1, 2018 to August 3, 2018
Dispositive Motion Filed By Deadline:	May 1, 2018 to August 3, 2018

7. The adjournment of above-mentioned deadlines will not affect the remainder of the provisions or deadlines in the Scheduling Order, including the Final Pretrial Conference scheduled for October 9, 2018 and the Trial scheduled for October 22, 2018. Accordingly, no prejudice will result from such an adjournment. Instead, the requested extension may aid all parties - and the Court – by equally allowing for adequate development of the factual and legal bases upon which this matter may be resolved. Thus, all parties will benefit by the relief sought herein.

Ford emailed Defendant this motion and brief in support in an effort to seek concurrence but was unable to obtain it. *See* E.D. Mich. LR 7.1(a)(2).

WHEREFORE, the Ford requests that the Court grant this brief extension of the deadline for completion of fact and expert discovery and the deadline for filing

dispositive motions and motions challenging experts.

Respectfully submitted,

DICKINSON WRIGHT PLLC

By: /s/ Kimberly J. Ruppel  
Kimberly J. Ruppel (P55138)  
Sharon R. Newlon (P41963)  
500 Woodward Avenue, Suite  
4000  
Detroit, MI 48226  
(313) 223-3500  
[kruppel@dickinsonwright.com](mailto:kruppel@dickinsonwright.com)  
[snewlon@dickinsonwright.com](mailto:snewlon@dickinsonwright.com)  
*Attorneys for Plaintiff Ford  
Motor Company*

Date: February 26, 2018

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FORD MOTOR COMPANY, and  
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**BRIEF IN SUPPORT OF FORD MOTOR COMPANY'S  
MOTION TO AMEND THE CASE MANAGEMENT ORDER  
FOR THE LIMITED PURPOSE OF EXTENDING DISCOVERY  
AND ADJOURNING DEADLINES TO FILE DISPOSITIVE  
MOTIONS AND MOTION CHALLENGING EXPERTS**

In support of its Motion to Extend Discovery and Adjourn Deadlines to File Dispositive Motions and Motions Challenging Experts, Plaintiff Ford Motor Company ("Ford") relies on the facts, law, including Fed. R. Civ. P. 16(b)(4), and argument set forth in the accompanying Motion, which is incorporated herein.

WHEREFORE, Ford respectfully requests that the Court grant its Motion and extend the deadlines in the Scheduling Order as follows: (1) discovery cutoff date from April 2, 2018 to June 29, 2018; (2) motions challenging experts filed by deadline from May 1, 2018 to August 3, 2018; and (3) dispositive motions filed by

deadline from May 1, 2018 to August 3, 2018.

Respectfully submitted,

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Kimberly J. Ruppel (P55138)  
Sharon R. Newlon (P41963)  
500 Woodward Avenue, Suite  
4000  
Detroit, MI 48226  
(313) 223-3500  
[kruppel@dickinsonwright.com](mailto:kruppel@dickinsonwright.com)

Date: February 26, 2018

*Attorneys for Plaintiff Ford  
Motor Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2018, I caused to have electronically filed the foregoing paper with the Court's electronic filing system, which will send notification of such filing to counsel of record.

DICKINSON WRIGHT, PLLC

By: /s/ Kimberly J. Ruppel  
Kimberly J. Ruppel (P55138)  
500 Woodward Avenue, Suite 4000  
Detroit, MI 48226  
(313) 223-3500  
[kruppel@dickinsonwright.com](mailto:kruppel@dickinsonwright.com)